IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5174 of 2005

Between:

Toody Tappers Cooperative Society Shamirpet Shamirpet, Rangareddy District,
Mr. Sathaiah, S/o. Laxmaiah.

..... PETITIONER

AND

1 The Proh. & Excise Superintendent, Rangareddy District at Rangareddy.
2 The Proh. & Excise Inspector, SHO Medchal, Rangareddy Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondents in not sending one of the sample drawn in COR. No.187/2004-2005, dt.13/09/2004 by P&EI, SHO Medchal to independent laboratory i.e., Institute of Preventive Medicine Public Health Food Laboratory and Food Administration, Hyderabad alias State Food Laboratory, Nacharam, Hyderabad and Cr.No.D2/1240/2005, Dt. 02/03/2005 of the first respondent in suspending the licence and issuing of show cause notice for cancellation of licence as illegal, arbitrary and against the principles of natural justice and set aside the same and direct the respondents to send one of the sample drawn in COR.No.187/2004-2005 dt.13/09/2004 by P&EI, SHO Medchal to independent laboratory i.e., Institute of Preventive Medicine Public Health Food Laboratory and Food Administration, Hyderabad alies State Food Laboratory, Nacharam, Hyderabad by suspending the operation of proceedings Cr.No.D2/1240/2005, dt.02/03/2005 of the first respondent and pass such other order or orders.

Counsel for the Petitioner: MR.T.AMARNATH GOUD

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

The relief being sought for by the petitioner in this petition is to send the second sample for independent analysis.

The learned Government Pleader for Excise contends that this sort of relief cannot be permitted in all cases since such permission can be granted subject to certain conditions. It is further contended that the licensee should apply within a weeks time from the date of receipt of communication about the drawal of the sample by the competent authorities as postulated in the notification issued by the Government in G.O. Ms. No. 1120, Revenue (Ex. II), 11th November, 2003. It is further contended that further investigation is required in this case.

Having regard to the facts and circumstances of the case, the respondents are directed to send the second sample to an independent analyst and the result shall be communicated to the petitioner. In the meanwhile, enquiry may go on.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

kvsn 16-03-2005

To

1 The Proh. & Excise Superintendent, Rangareddy District at Rangareddy.

2 The Proh. & Excise Inspector, SHO Medchal, Rangareddy Dist.

3 Two CCs to GP for Excise, High Court buildings, Hyderabad

4 Two CD copies.